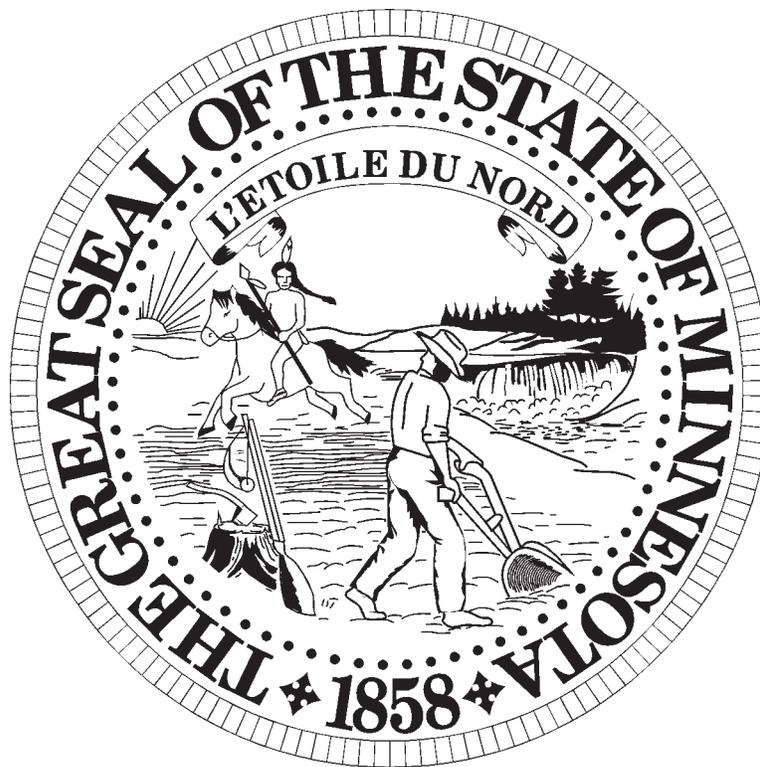


State of Minnesota

State Register



Rules and Official Notices Edition

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State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
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# 21	Monday 21 November	Noon Tuesday 15 November	Noon Wednesday 9 November
# 22	Monday 28 November	NOON MONDAY 21 NOVEMBER	Noon Wednesday 16 November
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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed.

The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Board of Peace Officer Standards and Training Proposed Permanent Rules Relating to Reciprocity Licensing Examinations and Predatory Offender Rule Changes

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Licensing, *Minnesota Rules*, Parts 6700.0501, Subparts 4 and 7; 6700.0700, Subpart 1, Item E.; and 6700.1600, Item G.

Introduction. The Board of Peace Officer Standards and Training intends to adopt rules without a public hearing following the procedures set forth in *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. Any individuals may submit written comments on the proposed rules and/or a written request that a hearing be held until Friday, December 16, 2005.

Agency Contact. Comments, questions or written requests for a public hearing on the proposed rules must be submitted to the agency contact. The agency contact is Dee Dodge at Minnesota Board of Peace Officer Standards and Training, located at 1600 University Avenue, Suite 200 in Saint Paul, Minnesota 55104. Ms. Dodge can also be reached at telephone: (651) 643-3064, fax: (651) 643-3072 or at dee.dodge@state.mn.us. TTY users may call the Department of Public Safety at (651) 297-1200.

Subject of Rules and Statutory Authority. The first proposed amendment alters the requirements for an out-of-state individual to qualify to take the reciprocity examination to become a licensed peace officer. The other proposed amendments would prohibit individuals from becoming a licensed peace officer if they are a registered predatory offender and would allow the Board to take disciplinary action if a licensed peace officer is required to register as a predatory offender. The statutory authority for the Board to adopt the rules is *Minnesota Statutes*, sections 626.84 to 626.863.

Comments. Comments are encouraged and must be received in writing by the agency contact before 4:30 p.m. on Friday, December 16, 2005. Comments should identify the portion of the proposed rule changes the comment is based on; the reason for the comment; any

Proposed Rules

suggestions for changes to; and, if applicable, the legality of the proposed rule changes.

Request for a Hearing. A request to hold a hearing on the proposed rule changes must be received in writing by the agency contact person before 4:30 p.m. on Friday, December 16, 2005. It must indicate the individual's name and address that is submitting the request and identify the portion(s) of the proposed rules to which the individual objects. It is encouraged that the request list the reason for submitting it and any suggestion for changes to the proposed rules. Any request for a hearing that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held.

Withdrawal of Requests. If 25 or more individuals submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number to less than 25, the agency must give written notice to all individuals who requested a hearing. In addition, the agency must explain the actions it took to affect the withdrawal and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille or cassette tape. To make a request, please communicate with the agency contact.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect any individuals in some way, those individuals are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is available from the agency contact. The SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected and an estimate of the probable cost. The agency must pay for the cost of reproducing the SONAR.

Lobbyist Registration. *Minnesota Statutes*, Chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at 658 Cedar Street, Suite 190 in Saint Paul, Minnesota 55155 or at (651) 296-5148 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings (OAH) for review of legality. Individuals may ask to be notified of the date the rules are submitted to the OAH. If an individual wants to be notified, receive a copy of the adopted rules, register with the agency to receive notice of future rule proceedings, a request must be submitted to the agency contact.

Dated: October 28, 2005

Neil W. Melton, Executive Director
Minnesota Board of Peace Officer Standards and Training

6700.0501 RECIPROCITY LICENSING EXAMINATION.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **See repealer.**

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Qualifications.** A person who has ~~comparable preemployment education~~ completed a postsecondary degree, who has had ~~one continuous year~~ three years of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination; or a person who has five years of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

[For text of subs 8 to 10, see M.R.]

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may affirm that the applicant has already completed certain of these standards, but the affirmation must be documented pursuant to subpart 2.

[For text of items A to D, see M.R.]

E. The applicant must not be required to register as a predatory offender under *Minnesota Statutes*, section 243.166 or 243.167.

F. No applicant may be appointed to the position of peace officer who has been convicted:

- (1) of a felony in this state or in any other state or federal jurisdiction;
- (2) of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;
- (3) under *Minnesota Statutes*, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466,

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609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under *Minnesota Statutes*, section 152.18, or any similar law of another state or federal law; or

(4) of any of the crimes listed in this item in another state or federal jurisdiction, or under a local ordinance that would be a conviction if committed in Minnesota.

F. G. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.

G. H. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that the applicant is free from any physical condition which might adversely affect the performance of peace officer duties.

H. I. An evaluation, including an oral interview, shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.

I. J. The applicant shall pass a job-related examination of the applicant's physical strength and agility to demonstrate the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

J. K. The applicant shall successfully complete an oral examination conducted by or for the agency to demonstrate the possession of communication skills necessary to the accomplishment of the duties and functions of a peace officer.

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item F J., if the applicant completed part 6700.0500, subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

[For text of subp 4, see M.R.]

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action:

[For text of items A to F, see M.R.]

G. being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, mentally incompetent, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under *Minnesota Statutes*, section 243.166 or 243.167;

[For text of items H to P, see M.R.]

REPEALER. *Minnesota Rules*, part 6700.0501, subpart 4, is repealed.

Minnesota Pollution Control Agency Municipal Division

Proposed Permanent Rules Relating to Individual Sewage Treatment Systems

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing if 25 or More Requests For Hearing Are Received

Proposed Amendments to Rules Governing Individual Sewage Treatment Systems, *Minnesota Rules*, Chapter 7080

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 14, 2005, a public hearing will be held in the Board Room, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155-4194, starting at 1:00 P.M. to 5:00 P.M. on Tuesday, January 17, 2006. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after December 14, 2005 and before January 17, 2006.

MPCA Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is:

Mark Wespetal
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Proposed Rules

Phone: (651) 296-9322 (direct)

MN Toll Free: (800) 657-3864

Fax: (651) 297-8676

TTY users may call the MPCA teletypewriter at (651) 282-5332 or (800) 657-3864.

E-mail: mark.wespetal@pca.state.mn.us

Subject of Rules. These amendments are proposed in response to *Laws 2004*, chapter 249, section 1. This law requires amendments clarifying the use of redoximorphic features as a means of identification and interpretation of seasonally saturated soil for individual sewage treatment system design and compliance. The law also requires the rule to add a dispute resolution procedure for controversial determinations of the seasonally saturated soil.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, section 115.55, subdivision 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Rule Availability: The proposed changes to *Minnesota Rules* chapter 7080 are published after this notice in the *State Register* or they can be viewed on the MPCA **Web site** at;

<http://www.pca.state.mn.us/news/index.html>.

A free copy of the proposed rules is available upon request by contacting Beth Tegdesch at (651) 296-3890. Only one copy will be sent per request.

Comments. You have until 4:30 p.m. on Wednesday, December 14, 2005, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comments must be in writing and received by the MPCA contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comments, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on December 14, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comments or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 17, 2006, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at (651) 296-9322 after December 14, 2005, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, **telephone:** (612) 341-7606, and **fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day

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comment period may be extended for a longer period not to exceed 20 calendar days, if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge, prior to the hearing or during the comment or rebuttal period, must also submit a copy of the written views or data to the MPCA contact person at the address stated above.

Statement of Need and Reasonableness. The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR is now available for viewing in the MPCA library in the St. Paul office, 520 Lafayette Road North, St. Paul, MN 55155. You may obtain a copy of the SONAR from the MPCA for the cost of reproduction by contacting Beth Tegdesch at (651) 296-3890. The SONAR is also available on the MPCA's Web site at:

<http://www.pca.state.mn.us/news/index.html>

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required.

If a hearing is required, the MPCA Board will make the final decision on whether to adopt the proposed rules. If no hearing is required, you may submit a petition to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule amendments by following the procedures in *Minnesota Rules* part 7000.0600, subpart 3. Your request must be in writing, must state to whom it is directed, identify the matter that the person would like placed on the agenda and the reasons for placing it on the agenda. The petition must be received by the MPCA contact person at least 21 days before the meeting during which the petitioner would like the matter to be considered. The schedule of MPCA Board meetings is available at

<http://www.pca.state.mn.us/about/board/index.html>

or by contacting the MPCA contact person listed below. Requests received after the MPCA Commissioner has approved the rules will not be considered. The Commissioner is anticipated to approve the rules on or about February 14, 2006. Under *Minnesota Statutes*, section 116.02 where a hearing is not required, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants a petition or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, MN 55155, telephone (651) 296-5148 or (800) 6573889.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: October 26, 2005

Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

7080.0020 DEFINITIONS.

[For text of subs 1 to 13, see M.R.]

Subp. 13a. **Distinct.** "Distinct" means a soil color that varies from another color ~~by one or more hues, more than two units of value, or more than one unit of chroma that is not faint as described in subpart 16i.~~

[For text of subs 14 to 16h, see M.R.]

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Subp. 16i. **Faint.** “Faint” means a soil color with the same hue as another soil color but varies from the other color by two or less units of value and not more than one unit of chroma, or a soil color that differs from another soil color by one hue and by one or less units of value and not more than one unit of chroma, or a soil color that differs from another soil color by two units of hue with the same value and chroma.

[For text of subs 17b to 28d, see M.R.]

Subp. 28e. **Redoximorphic features.** “Redoximorphic features” means features formed in saturated soil by the process of reduction, translocation, and oxidation of iron and manganese compounds, or other soil, landscape or vegetative indicators a color pattern in a soil, due to saturated soil conditions, due to loss (depletion) or gain (concentration) of pigment compared to the matrix color, formed by oxidation/reduction of iron and/or manganese coupled with their removal, translocation, or accrual; or a soil matrix color controlled by the presence of ferrous iron. They are described in part 7080.0110, subpart 4, item D, subitem (5). This is commonly known as “mottling.”

[For text of subp 28g, see M.R.]

Subp. 29a. **Seasonally saturated soil.** “Seasonally saturated soil” means the highest elevation in the soil that is in a reduced chemical state because of due to soil voids being pores filled with water causing anaerobic conditions. Saturated soil is evidenced determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part 7080.0110, subpart 4, item D, subitem (5), units (d) and (e), or determined by other information scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

[For text of subs 29b to 54, see M.R.]

7080.0110 DESIGN PHASE I: SITE EVALUATION.

[For text of subs 1a and 2a, see M.R.]

Subp. 4. Field evaluation. A field evaluation shall consist of the items described in items A to F.

[For text of items A to C, see M.R.]

D. Soil description. Each soil observed at the proposed soil treatment area shall be evaluated under adequate light conditions with the soil in a moist state for the characteristics in subitems (1) to (8).

[For text of subitems (1) to (4), see M.R.]

(5) Depth to the seasonally saturated soil for new construction or replacement as determined by redoximorphic features and other indicators, as determined in units (a) to (d):

(a) in ~~subsoils~~ subsoil and parent material, redoximorphic features include:

i. distinct iron accumulations as described in part 7080.0020, subpart 13a, or distinct iron depletions as described in part 7080.0020, subpart 13a; or

ii. a gleyed or depleted soil colors matrix or mottled color having a chroma of two or less or a depleted matrix or mottled color having a hue of 5Y and a chroma of three or less; or

iii. soil colors having a hue of 5Y and a chroma of three or less faint redoximorphic concentrations or faint depletions in subsoil with a hue of 7.5 YR or redder;

(b) in lower ~~topsoils~~ topsoil layers which are deeper than 12 inches from the surface, and are immediately followed in depth by a seasonally saturated ~~subsoils~~ horizon, redoximorphic features include:

i. soil colors with a chroma of two or less; or

ii. redoximorphic accumulations or depletions;

(c) in the upper ~~topsoils~~ 12 inches of the topsoil layer, immediately followed by a seasonally saturated lower topsoil horizon, redoximorphic features include the depth of seasonal saturation may be determined by the indicators in subunits i to v:

i. soil colors with a chroma of zero;

ii. accumulation of high levels of organic material organic soil textures or mineral soil textures with an organic modifier;

iii. dominance of hydrophilic vegetation; or

iv. the soil treatment area at or near the elevation of the ordinary high water level of a surface water or the soil treatment area in a depressional landscape position; and or

v. the soil expressing indicators of seasonal saturation as determined in the Field Indicators of Hydric Soils in the United States which is incorporated by reference. The book is issued by the United States Department of Agriculture Natural Resource Conservation Service and is available through the National Soil Survey Center USDA/NRCS, 100 Centennial Mall North, Room 152, Lincoln, NE 68508-3866. It can be found at the Minnesota State Law Library, Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155, and is subject to frequent change.

(6) Depth to the seasonally saturated soil for all existing systems is determined by redoximorphic features in subitem (5), except for unit (b), subunit i; and unit (c), subunits i, iii, and iv as measured outside the area of system influence in an area of similar soil.

(7) Depth of standing water in the hole soil observation excavation, measured from the soil surface, if observed.

[For text of subitem (8), see M.R.]

[For text of items E and F, see M.R.]

[For text of subp 5a, see M.R.]

7080.0715 LICENSE CONDITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Seasonally saturated soil disagreements.**

A. If a documented discrepancy arises on the depth of the seasonally saturated soil between licensed businesses for ISTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.

(1) All local dispute resolution procedures must be followed.

(2) If no local dispute resolution procedures exist, the disputing parties must meet at the disputed site in an attempt to resolve differences.

(3) If the provision in subitem (2) does not resolve the differences, then one or more of the methods in units (a) to (c) must be employed.

(a) Obtain an opinion from a qualified employee of the local permitting authority with jurisdiction, if the local permitting authority is willing to be involved.

(b) Obtain an opinion from an ISTS Technical Evaluation Committee, if a committee has been developed for this purpose, and is available and willing to render an opinion. The committee shall be created in cooperation with the commissioner.

(c) Obtain an opinion from a Minnesota registered professional soil scientist, who is both a registered professional ISTS designer or inspector, and independent of, and agreed upon by, both parties.

(d) If options under unit (a) or (b) are not viable, then an opinion must be rendered under the provisions of unit (c).

(4) If opinions rendered in subitem (2) or (3) do not resolve the dispute, all initial and follow-up documents and information generated shall be submitted to the local permitting authority. The local permitting authority shall take into advisement all information and opinions rendered and make a final judgment. Local permitting authorities shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.

B. If a documented discrepancy arises on the depth of the seasonally saturated soil between a licensed business and a local permitting authority for ISTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.

(1) The local permitting authority and the licensed business must meet at the disputed site in an attempt to resolve differences.

(2) If the provision in subitem (1) does not resolve the differences, then one or more of the methods in item A, subitem (3), unit (b) or (c), should be employed.

(3) If opinions rendered in subitem (2) are not sought or do not resolve the dispute, the local permitting authority shall take into advisement all information and opinions rendered and make a final judgment. Local permitting authorities shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.

C. Upon resolution of a dispute, amendments to initial disputed documents containing the resolution provisions shall be made and submitted to the local permitting authority and all other parties involved.

7080.0900 ENFORCEMENT ACTION.

Subpart 1. **Business licenses.** The commissioner may deny, suspend, restrict, or revoke a business license issued under part 7080.0705 for any of the following reasons:

[For text of items A to C, see M.R.]

D. failure to provide adequate supervision to nonregistered ISTS employees; ~~or~~

E. incompetence, negligence, or inappropriate conduct in the performance of the duties of an individual sewage treatment system professional; ~~or~~

F. failure to comply with soil dispute resolution requirements in part 7080.0715, subpart 3.

[For text of subps 2 to 5, see M.R.]

RENUMBERER. In *Minnesota Rules*, part 7080.0020, renumber the subparts in alphabetical order.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Board of Teaching

Adopted Permanent Rules Relating to Nonrenewable Teacher License and Speech-Language Pathologist License

The rules proposed and published at *State Register*, Volume 29, Number 42, pages 1199-1201, April 18, 2005 (29 SR 1199), are adopted with the following modifications:

8710.1410 NONRENEWABLE LICENSE.

Subp. 2. **Criteria for issuance.** A nonrenewable license under subpart 1 ~~may~~ shall be issued to the ~~designated administrator of a school district or charter school~~ when the following conditions are met:

B. the designated administrator of the school district or charter school in the application verifies in writing that:

(4) the administrator on behalf of the licensed teacher ~~shall~~ will use the "High Objective Uniform State Standard of Evaluation" (HOUSSE) and those criteria as necessary and proper to demonstrate subject matter competence in the nonlicensed area as established by the Board of Teaching in collaboration with the Department of Education, and ~~the administrator of the district or charter school has completed written verification that the teacher meets the board's criteria;~~

(6) ~~the designated administrator of the school district or charter school verifies in writing that the teacher is in an approved course of study and will complete the approved program by the end of the third school year;~~

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #15-15: Providing for Personnel and Equipment for the Monticello Nuclear Power Plant Drill and Exercise

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Minnesota Department of Public Safety, Homeland Security and Emergency Management, has requested assistance in providing personnel and equipment to support the Monticello Nuclear Power Plant Drill and Exercise; and

WHEREAS, adequate personnel and equipment are not available from the Department of Public Safety, other participating agencies, Sherburne and Wright Counties of Minnesota, and other local authorities;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty as needed during the period November 9 to December 7, 2005, in

Executive Orders

the service of the State, such personnel and equipment of the military forces of the State needed by the Department of Public Safety and Sherburne and Wright Counties to successfully complete the Monticello Nuclear Power Plant Drill and Exercise.

2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Emergency Management, as provided by an interdepartmental agreement dated August 7, 1995.

Pursuant to *Minnesota Statutes* 2002, Section 4.035, subd. 2, this Order shall be effective November 9 through December 7, 2005.

IN TESTIMONY WHEREOF, I have set my hand this 8th day of November, 2005.

Signed: **TIM PAWLENTY, Governor**

Filed According to Law:

Signed: **MARY KIFFMEYER, Secretary of State**

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Designation of Aquatic Management Areas - Order No. AMA 05-008

Pursuant to the provisions of *Minnesota Statutes*, section 86A.07, subdivision 3(2), as amended by *Laws of 2004*, Chapter 221, Section 23, and *Minnesota Statutes*, section 86A.05, subdivision 14, as amended by *Laws of 2004*, Chapter 262, Article 2, Section 4, the following described lands under the jurisdiction of the Minnesota Department of Natural Resources meet the criteria as being suited for aquatic management areas:

Blackduck Lake AMA, Parcel 1, Beltrami County

That part of Government Lot 1 of Section 9, Township 149 North, Range 31 West, Beltrami County, Minnesota, less the North 200 feet thereof.

Also, that part of Government Lot 2, of Section 10, Township 149 North, Range 31 West, excepting therefrom the following described parcels:

- 1) the West 160 feet of the North 200 feet of said Government lot 2
- 2) That part of said Government Lot 2 lying easterly of the following described line: Commencing at the northwest corner of said Government Lot 2; thence South 88° 51' 8" East, assumed bearing, along the north line of said Government Lot 2, a distance of 368.15 feet to the point of beginning of the line to be described; thence South 01° 24' 55" West 310 feet, more or less, to the shoreline of Blackduck Lake and there terminating.
- 3) The East 67 feet of the West 215 feet of the South 10 feet of the North 210 feet of said Government Lot 2, and the East 135 feet of the West 295 feet of the North 200 feet of said Government Lot 2, less that part lying easterly of the following described line: Beginning at the northeast corner of said West 295 feet; thence South 00° 8' 34" East, assumed bearing, along the easterly line of said West 295 a distance of 33 feet; thence South 06° 05' 34" West 107.12 feet; thence South 25° 23' 19" West 67.45 feet to the southerly line of said North 200 feet of Government Lot 2 and there terminating.

Commissioner's Orders

Bog Lake, Parcel 1, Hubbard County

The West half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 140, Range 36.

Sixth Crow Wing Lake AMA, P1, Hubbard County

Government Lot Six (6), Section 21, Township 140, Range 33, Except portion platted as Interwing Estates, and except that portion of Government Lot Six (6), Section 21, Township 140, Range 33, Hubbard County, Minnesota, bounded by the water's edge of Sixth Crow Wing Lake and the following described lines: Commencing at the Southwest corner of said Section 21; thence North 00° 00' 00" seconds East 403.98 feet on and along the west line of said Section 21; thence North 89° 12' 00" East 496.22 feet to the point of beginning; thence North 89° 12' 00" East 250 feet, more or less, to the water's edge of Sixth Crow Wing Lake and there terminating. And also, from the point of beginning; thence North 00° 37' 00" West 150.00 feet; thence north 89° 12' 00" East 247 feet, more or less, to the water's edge of Sixth Crow Wing Lake and there terminating.

Bliss AMA, Parcel 1, Douglas County

All those parts of Government Lots 3 and 4, Section 21, Township 130, Range 37, lying Westerly of the Westerly right of way line of the Township Road, described in Certificate of Condemnation, recorded May 18, 1962 in book 75 Deeds, page 567, and lying Northerly of the Northerly most line of the plat of Second Addition to Tamarack Shores, according to the recorded plat thereof.

Subject to an easement granted for access and egress to Lake Miltona in benefit of Lots 1 through 10, Block 1, Third Addition to Tamarack Shores and lot 1, Block 2, Second Addition to Tamarack Shores, recorded as Document No. 105898.

Lost Creek AMA, Parcel 3, Fillmore County

Those parts of the South 1/2 of the NW1/4, Section 18, Township 104, Rang 11, Fillmore County, Minnesota, being described as a strip of land 66 feet in width lying northerly of Lost Creek as it flows through said South 1/2 of the NW1/4.

Also: That part of the SW1/4 of the NE1/4, Section 18, Township 104, Range 11, Fillmore County, Minnesota, being described as a strip of land 132 feet in width lying 66 feet on each side of the centerline of lost creek as it flows through said SW1/4 of the NE1/4.

And: A strip of land lying in the SW1/4 of the NW1/4 of said Section 18, described as a strip of land 32 feet in width, lying 16 feet on each side of the centerline of a tributary of Lost Creek, said tributary lies northerly of Lost Creek in said SW1/4 of the NW1/4.

Together with a strip of land for ingress and egress by the public for trout fishing purposes lying in the W1/2 of the NW1/4, Section 18, Township 104, Range 11, Fillmore County, Minnesota, said strip being 16 feet in width, lying 8 feet on each side of the following described centerline: Commencing at the SW corner of said NW1/4, thence on an assumed bearing of North 88° 45' 32" East along the South line of said NW1/4 389.61 feet, thence North 11° 16' 37" West 695.89 feet to Point "A" being also the Point of Beginning, thence North 08° 32' 53" West 63.03 feet, thence North 01° 31' 08" West 459.63 feet, thence North 03° 55' 28" East 366.72 feet, thence North 44° 22' 49" West 28.21 feet, thence North 16° 17' 06" East 46.10 feet to the centerline of County Road 102 and there terminating.

Lost Creek AMA, Parcel 4, Fillmore County

Those parts of the South 1/2 of the NW1/4, Section 18, Township 104, Rang 11, Fillmore County, Minnesota, being described as a strip of land 66 feet in width lying southerly of Lost Creek as it flows through said South 1/2 of the NW1/4.

Louise Lake AMA, Parcel 1, Cass County

Tract A: All of the unplatted portion of Government Lot 4, Section 22, Township 140, Range 28, described as follows, to-wit: Commencing at a point on the NW side of Wabedo Pass Road intersected by an extension of the NE boundary line of Lot 9 of Block 1 of said plat extended NW across said road, said point being designated Point A; thence deflect left 10° and run to the water's edge of Lake Louise, which point shall be known as the point of beginning; thence retrace to said Point A; thence SW along the boundary line of Wabedo Pass Road 75 feet to a point (B); thence NW parallel to the NW line to the shore line of Lake Louise; thence NW along the shore line of Lake Louise to the point of beginning. Conveying and intending to convey a strip of ground of uniform width 75 feet in width extending from said Wabedo Pass Road to Lake Louise.

Tract B: All that portion of the unplatted part of Government Lot 4, Section 22, Township 140, Range 28, lying and being southerly and westerly of the following described lines, to-wit: Starting at the SW corner of said Government Lot 4; thence run east along the south line of said Lot 4 a distance of 401.7 feet to a point on the Wabedo Pass Road as at present constructed; thence deflect left 52° 38' and run 135 feet to an iron monument and continue 53 feet, more or less, to the shore of Lake Louise (Point A) know as the point of beginning of said described line; run from Point A through Point B and continue 132.5 feet to a point (C) ; thence deflect left 52° 58" and run 186.2 feet to an iron monument and continue 19 feet, more or less, to the shore of Wabedo Lake (Point D) and there terminating. Also the following described line: From the point of beginning run westerly through the center of Lake Louise and terminating at the west boundary line of said Government Lot 4.

Commissioner's Orders

Lynch Creek AMA, Parcels 3 & 4, Fillmore County

A strip of land 132 feet in width lying 66 feet on each side of the centerline of Lynch Creek as it flows across the following described property: The SE1/4 of the SE1/4, the North 54 acres of the W1/2 of the SE1/4 and the SW1/4 of the NE1/4, all in Section 11, Township 104, Range 11, Fillmore County.

AND

A strip of land 132 feet in width lying 66 feet on each side of the centerline of Lynch Creek as it flows across the following described property: The E1/2Half of the NE1/4 of Section 14, Township 104, Range 11, Fillmore County, Minnesota.

EXCEPTING there from the following 4 tracts, all lying in Section 14, Township 104, Range 11, Fillmore County, Minnesota:

Tract 1:

Beginning at the SE corner of the NE1/4 of the NE1/4 of section 14, and running thence West 4 chains and 90 links, thence South 23° West 6 chains and 50 links, thence South 20° East 3 chains and 40 links, thence South 29° East 12 chains and 30 links to the Quarter line, thence East 25 links to the Quarter corner between sections 13 and 14, thence North 20 chains to the place of beginning, containing 10 acres more or less.

Tract 2:

Beginning at the SW corner of the SE1/4 of the NW1/4 of section 14, and running thence North 19 and 30/100ths chains, thence South 63 1/2° East 5 chains, thence South 39° East 2 chains, thence South 4 1/2° East 4 and 58/100ths chains, thence South 5° East 2 and 30/100ths chains; thence South 19 1/2° East 3 and 90/100ths chains, thence South 31 1/2° East 3 and 70/100ths chains, thence South 28° East 2 chains to the East and West Quarter line, thence West 11 and 50/100ths chains to the place of beginning, containing 13.6 acres.

Tract 3:

Commencing at the SE corner of section 10, running thence East 240 rods on the section line between sections 11 and 14 and South on the quarter line 27 rods for a place of beginning, and running thence East 20 1/2 rods, thence South 47 1/2 rods, thence West 20 1/2 rods, thence North 47 1/2 rods to the place of beginning, the same being in the NE1/4 of section 14.

Tract 4:

A part of the NE1/4 of the NE1/4 of Section 14, Township 104 North, Range 11 West, Fillmore County, Minnesota, described as follows: Commencing at the SE corner of the NE1/4 of said Section 14; thence North 00° 43' 45" West, assumed bearing, along the east line of said NE1/4 a distance of 1317.43 feet to the SE corner of said Quarter Quarter Section for a point of beginning; thence South 89° 46' 29" West along the south line of said Quarter Quarter Section 370.10 feet; thence North 25° 13' 28" East, 387.62 feet; thence North 84° 08' 44" East, 201.25 feet to the East line of said NE1/4; thence South 00° 43' 45" East, along said east line, 369.74 feet to the point of beginning. Being subject to an easement for Township road right-of-way across the westerly boundary thereof. Containing 14.27 acres.

TOGETHER WITH easement for ingress and egress over and across the SE1/4 of the SE1/4, Section 11, Township 104 North, Range 11 West, Fillmore County, Minnesota, described as a strip of land 16.5 feet in width lying south and east of the following described line:

Beginning at the NE corner of said SE1/4 of the SE1/4; thence West, a distance of 1320 feet, more or less, along the north line of said SE1/4 of the SE1/4 to the NW corner thereof; thence South, a distance of 500 feet, more or less, along the west line of said SE1/4 of the SE1/4 to the northerly bank of Lynch Creek and there terminating.

Minnesota Headwaters AMA, Parcel 1, Big Stone County

All that part of Government Lot 1 in Section 16, Township 121, Range 46, Big Stone County, Minnesota, which lies west of the following described line, to-wit:

Beginning at a point on the north line of Section 16, Township 121, Range 46, Big Stone County, Minnesota, which is 1830 feet west of the north quarter corner of said Section 16; thence South 0° 12' West a distance of 450 feet. Containing 1.19 acres, more or less, according to the government survey thereof.

Also

Commissioner's Orders

All that part of Government Lots 1 and 2, in Section 16, Township 121, Range 46, Big Stone County, Minnesota, lying north of US Highway No. 12 as now located and traveled which lies between the center of the channel of the Minnesota River and a line drawn parallel to and 100 feet easterly of the following described line, to-wit:

Beginning at a point which is 1908 feet due east of a point on the section line 2390 feet north of the quarter section corner, between Sections 16 and 17, Township 121, Range 46, which point is known by and designated as Engineer Station 0 plus 40 on the plat or map of the Minnesota River Channel Change on file in the office of the Engineer of Highways in and for the State of Minnesota; thence southeasterly on tangent for a distance of 216.5 feet; thence deflect to the left on a 6° 00' minute curve (delta angle 20° 08') for a distance of 335.6 feet; thence on tangent to said curve for a distance of 88.5 feet; thence deflect to the right on a 8° 00' curve (delta angle 33° 26') for a distance of 417.9 feet; thence on tangent to said curve for a distance of 320.7 feet; thence deflect to the right on an 14° 16' curve (delta angle 27° 54') for a distance of 195.6 feet; thence on tangent to said curve for a distance of 153.3 feet; thence deflect to the left on a 16° 08' minute curve (delta angle 48° 51') for a distance of 302.8 feet; thence on tangent to said curve for a distance of 512.7 feet to a point on section line, said point being 1764.8 feet south of quarter corner (9 and 16) Township 121, Range 46; thence continue southeasterly along last above described course for a distance of 676.9 feet; thence deflect to the right on a 15° 00' curve (delta angle 26° 00') for a distance of 173.3 feet; thence on tangent to said curve for a distance of 362.7 feet; thence deflect to the right on a 17° 38' minute curve (delta angle 39° 08') for a distance of 221.9 feet; thence on tangent to said curve for a distance of 250.0 feet to a point on the present Chicago, Milwaukee, St. Paul and Pacific Railway bridge over the Minnesota River. Containing 4.09 acres, more or less.

Minnesota Headwaters AMA, Parcel 2, Big Stone County

A strip of land 200.00 feet in width lying in Government Lots 1 and 2, Sec 16, Township 121, Range 46, Big Stone County, Minnesota, said strip lying northerly of, adjacent to and parallel with a line drawn parallel to and 100 feet easterly of the following described line:

Beginning at a point which is 1908 feet due east of a point on the section line 2390 feet north of the quarter section corner, between Sections 16 and 17, Township 121, Range 46, which point is known by and designated as Engineer Station 0 plus 40 on the plat or map of the Minnesota River Channel Change on file in the office of the Engineer of Highways in and for the State of Minnesota; thence southeasterly on tangent for a distance of 216.5 feet; thence deflect to the left on a 6° 00' curve (delta angle 20° 08') for a distance of 335.6 feet; thence on tangent to said curve for a distance of 88.5 feet; thence deflect to the right on a 8° 00' curve (delta angle 33° 26') for a distance of 417.9 feet; thence on tangent to said curve for a distance of 320.7 feet; thence deflect to the right on an 14° 16' curve (delta angle 27° 54') for a distance of 195.6 feet; thence on tangent to said curve for a distance of 153.3 feet; thence deflect to the left on a 16° 08' curve (delta angle 48° 51') for a distance of 302.8 feet; thence on tangent to said curve for a distance of 512.7 feet to a point on section line, said point being 1764.8 feet south of quarter corner (9 and 16) Township 121, Range 46; thence continue southeasterly along last above described course for a distance of 676.9 feet; thence deflect to the right on a 15° 00' curve (delta angle 26° 00') for a distance of 173.3 feet; thence on tangent to said curve for a distance of 362.7 feet; thence deflect to the right on a 17° 38' curve (delta angle 39° 08') for a distance of 221.9 feet; thence on tangent to said curve for a distance of 250.0 feet to a point on the present Chicago, Milwaukee, St. Paul and Pacific Railway bridge over the Minnesota River.

Said 200.00 strip is furthermore bounded on the east by the westerly right-of-way line of U.S. Trunk Highway #12 and on the west by the following described line:

Beginning at a point on the north line of Section 16, Township 121, range 46 West, Big Stone County, Minnesota, which is 1830 feet west of the north quarter corner of said Section 16; thence South 0° 12' West a distance of 450 feet.

Nord Lake AMA, Parcel 1, Aitkin County

Outlot A, Block One (1) of Nord Acres Second Addition, located in the SW1/4 of the NE1/4, Section 8, Township 46, Range 26, Aitkin County, Minnesota according to the filed and recorded plat thereof.

Otter Creek AMA, Parcel 5, Carlton County

That part of the NW1/4 of the NE1/4 of Section 34, Township 49, Range 17 West, Carlton County, Minnesota described as follows: A strip of land 100 feet in width lying southerly and easterly of the centerline of Otter Creek, containing 4.5 acres.

Commissioner's Orders

Otter Creek AMA, Parcel 6A, Carlton County

A strip of land 200 feet in width lying 100 feet on each side of the centerline of Otter Creek as it flows across the following described property: The SE1/4 of the SE1/4 of Section 34, Township 49, Range 17 West, Carlton County, containing 7.6 acres.

Snowshoe Lake AMA, Parcel 2, Cass County

All of the unplatted portion of the NW1/4 of the NW1/4, Section 29, Township 139, Range 26, Cass County, Minnesota.

Upper Cormorant Lake AMA, Parcel 5, Becker County

That part of Government Lot 2, Section 5, Township 138 North, Range 43 West, Becker County, Minnesota, described as follows:

Commencing at the quarter post between Section 5, in Township 138, Range 43, and Section 32, in Township 139, Range 43; thence East on town line between said towns 19 chains and 49 links, thence South 12 chains and 58 links, thence West 19 chains and 49 links; thence North 12 chains and 58 links to beginning,

Which lies east of the following described line:

Commencing at the quarter post between said Section 5 and said Section 32; thence South, a distance of 12 chains and 58 links; thence East, a distance of 850 feet to the POINT OF BEGINNING of the line to be described; thence North 30° 20' West, a distance of 970 feet, more or less, to the north line of said Government Lot 2 and there terminating.

AND EXCEPTING THEREFROM

That part of Government Lot 1 and that part of Government Lot 2 of Section 5, Township 138 North, Range 43 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 5; thence South 89° 39' 19" West 1,296.59 feet on an assumed bearing along the north line of said Section 5 to the point of beginning; thence continuing South 89° 39' 19" West 824.23 feet along the north line of said Section 5; thence South 52° 30' 12" East 125.41 feet to an iron monument; thence continuing South 52° 30' 12" East 356.89 feet to an iron monument; thence South 62° 27' 57" East 133.41 feet to an iron monument; thence South 79° 15' 35" East 124.23 feet to an iron monument; thence South 80° 02' 19" East 232.22 feet to an iron monument; thence North 03° 43' 00" West 346.22 feet to an iron monument; thence continuing North 0° 43' 00" West 78.21 feet to the point of beginning.

Vermillion Empireview AMA, Parcel 1, Dakota County

That part of the S1/2 of Section 22, Township 114, Range 19, Dakota County, lying south of a line located 150 feet North of the centerline of the Vermillion River.

EXCEPTING there from the following:

Commencing at a point on the south line of said Section 22, said point being 35 feet West of the southwest corner of the East Half of the Southeast Quarter (E1/2SE1/4) of said Section 22; thence North 234 feet; thence West 55 feet; thence North 174 feet; thence East 565 feet; thence South 408 feet to the south line of said Section 22; thence West 510 feet to the point of beginning.

NOW THEREFORE, IT IS HEREBY ORDERED that the lands described above are designated as aquatic management areas.

Dated: October 31, 2005

Gene Merriam, Commissioner
Department of Natural Resources

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270.07.

Department of Revenue

Revenue Notice # 05-12: Sales and Use Tax – Exemption for Durable Medical Equipment; Definition of “Home Use” and “Medical Purpose”

Minnesota Statutes, Section 297A.67, subdivision 7, was amended by *2005 Minnesota Laws*, Chapter 151, Article 7, Section 12, to add a new sales tax exemption for durable medical equipment for home use only. This law is effective for sales and purchases made after June 30, 2005.

Durable medical equipment is defined in Section 297A.67, subdivision 7, paragraph (b), clause (2) as “equipment, including repair and replacement parts, but not including mobility enhancing equipment, that:

- (i) can withstand repeated use;
- (ii) is primarily and customarily used to serve a medical purpose;
- (iii) generally is not useful to a person in the absence of illness or injury; and
- (iv) is not worn in or on the body.”

The purpose of this revenue notice is to set forth the position of the Department of Revenue as to what constitutes “home use” and “medical purpose.”

Home Use

“Home use” means that the equipment is sold to an individual for use at home, regardless of where the individual resides. This may include residential facilities such as a nursing home, assisted care center, or school dormitory. No exemption certificate is required to purchase durable medical equipment exempt for home use.

Conversely, a sale of durable medical equipment to or for a facility such as a hospital, nursing home, clinic, or school is considered a sale for non-home use, and therefore taxable, unless another exemption applies. If so, an exemption certificate must be provided to the seller to support the claimed exemption. For example, the facility or institution may be able to purchase the item exempt for the purpose of resale, or it may qualify for an exemption from sales and use tax as a nonprofit organization.

Medical Purpose

A “medical purpose” means that the equipment is used for the diagnosis, treatment, or cure of disease, illness or injury.

Publication Date: November 14, 2005

John H. Mansun, Assistant Commissioner
for Tax Policy and External Relations

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Comprehensive Health Association

Notice of MCHA Board of Directors Alternative Funding Work Group

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Director's Alternative Funding Work Group will be held at 3:00 p.m. on Tuesday, November 22, 2005, at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber or Mary McCaffrey at (952) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 9:30 a.m. on Monday, November 21, 2005. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Public Policy Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Public Policy Committee will be held at 1:30 p.m. on Tuesday, November 22, 2005. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Department of Human Services

Health Care Purchasing and Delivery Systems Division

Health Care Administration

Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529), December

Official Notices

15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), March 8, 2004 (28 SR 1089-1090), April 5, 2004 (28 SR 1232), April 19, 2004 (28 SR 1313-1314), May 3, 2004 (28 SR 1367-1368), August 9, 2004 (29 SR 173), August 23, 2004 (29 SR 224-225), November 8, 2004 (29 SR 510), November 15, 2004 (29 SR 534-535), February 7, 2005 (29 SR 923-924), February 14, 2005 (29 SR 951-952), March 7, 2005 (29 SR 1038-1039), April 11, 2005 (29 SR 1174-1175), June 27, 2005 (29 SR 1607), July 18, 2005 (30 SR 49-50), August 15, 2005 (30 SR 147), August 29, 2005 (30 SR 226-227), and October 17, 2005 (30 SR 402-403).

Effective November 15, 2005, the Department will add the following outpatient prescribed drugs to the state MAC list:

<u>GCN</u>	<u>Drug Name</u>	<u>Strength</u>	<u>MAC Price</u>
67032	LEFLUNOMIDE	20MG	\$1.76
67031	LEFLUNOMIDE	10MG	\$1.76

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$235,000 for State Fiscal Year 2006 (July 1, 2005 through June 30, 2006).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to Jarvis Jackson, R.Ph., Interim Pharmacy Program Manager, Health Care Purchasing and Delivery Systems Division, Minnesota Department of Human Services, P.O. Box 64984, St. Paul, Minnesota 55164-0984; **Phone:** (651) 431-2504 or **E-mail:** jarvis.jackson@state.mn.us.

Minnesota State Retirement System Regular Meeting of the Board of Directors

The Board of Directors of the Minnesota State Retirement System (MSRS) is scheduled to meet on Friday, November 18, 2005 at 9:00 a.m. in the Retirement Systems of Minnesota Building, 60 Empire Drive, Suite 117, Saint Paul, Minnesota.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Health Infectious Disease Epidemiology, Prevention and Control Division STD and HIV Section Notice of Availability of Funds for HIV Counseling, Testing, and Referral (CTR) Program

NOTICE IS HEREBY GIVEN that the HIV Counseling, Testing, and Referral (CTR) Program of the STD and HIV Section of the Minnesota Department of Health is seeking proposals from clinics that have a large patient base from the Latino/Hispanic and/or African communities. Proposals will be from clinics that are interested in increasing the number of patients from those communities that are screened for HIV and, if HIV-infected, are referred into care. A total of \$200,000 is available beginning January 1, 2006 and ending December 30, 2006. Maximum funding is expected to be \$50,000 - \$75,000 per clinical setting.

The complete Request for Proposal packet can be obtained by going to:

<http://www.health.state.mn.us/divs/idepc/diseases/hiv/rfp/indexctrfp.html>

or by contacting Ruth Dauffenbach-Kotrba at (612) 676-5590.

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the addresses as listed below on or before **4:30 p.m., December 12, 2005**. All questions regarding the content of the Request for Proposal can be referred to Sarah Gordon at (612) 676-5103. Please note, **the STD and HIV Section relocates to St. Paul* on December 2, 2005**. Sarah Gordon's phone number after that date will be (651) 201-4011.

On or before December 1st, please submit **five (5) copies** of the proposal to:

Minnesota Department of Health
STD and HIV Section
Ruth Dauffenbach-Kotrba
717 Delaware Street SE
PO Box 9441
Minneapolis, Minnesota 55440-9441.

***After December 2nd**, please submit **five (5) copies** of the proposal to:

Minnesota Department of Health
STD and HIV Section
Ruth Dauffenbach-Kotrba
625 Robert Street North
PO Box 64975
St. Paul, Minnesota 55164-0975.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Housing Finance Agency Request for Proposals for Capacity Building Grant Program

Background and Legislative History

In 1989 the Legislature created the Nonprofit Capacity Building Grant Program for the purpose of assisting nonprofit organizations and government entities expand their capacity to provide affordable housing and housing services.

After delivering the program directly, the Minnesota Housing Finance Agency (MHFA) determined a more efficient and effective outcome could be achieved by funds coordination with other organization(s) that offer funding and technical assistance for the same purposes.

Goal

Pursuant to its authority under Minnesota Statutes Sections 462A.07, Subdivision 12 and 462A.21, Subdivision 3(b), the Minnesota Housing Finance Agency is requesting proposals from organizations with relevant experience to act on behalf of the Agency for the purpose of awarding grants and providing technical assistance to increase the capacity of Minnesota non-profit organizations, local government units, Indian tribes and Indian Tribal Organizations (collectively the "Organizations") to provide affordable housing and housing services.

Available Funds

\$147,600 is being made available for use over the course of the 2006. Funds to a successful responder will be disbursed in two installments: Fifty percent will be disbursed to the responder upon execution of the Agreement and the remainder will be disbursed after July 1, 2006 once MHFA reviews and approves the required mid-year report.

Minimum Requirement

Eligible Responders are those organizations that currently provide funding and technical assistance for building the capacity of the above-described Organizations. Successful Responders must use and disburse the funds strictly in accordance with the requirements of *Minnesota Statutes* 462A, Subdivision 3(b) and Minnesota Housing Finance Agency Rules 4900.1931 – 4900.1937.

RFP Submission

Each response to this RFP must contain, at a minimum, the following information:

- A summary of Responder's experience in Minnesota of providing funding and technical assistance to Organizations.
- The amount of funds requested for the year 2006.
- A detailed explanation of how it intends to use the requested funds to increase the capacity of the Organizations to provide affordable housing and housing-related services.
- An explanation of the process the Responder will use to choose the Organizations to assist.
- Provide a mechanism for measuring the effectiveness of Responder's use of the funds.

Selections

The capacity building proposals will be reviewed, discussed, evaluated and ranked based on the information provided regarding:

- Relevant experience.

State Grants & Loans

- Amount of funds requested.
- Proposal for increasing Organizations capacity.
- Selection process.
- Measurement of effectiveness.

The selection committee will be comprised of MHFA staff.

Reporting Requirements

Mid-year report, submitted by June 12, 2006 detailing the following:

- To whom the funds were awarded
- Amount of award made to individual organizations,
- Individual organizational capacity building goals
- Remaining (yet to be disbursed) funding expectations

Remaining funds will be disbursed upon review and acceptance of the mid-year report.

A final report submitted by December 29, 2006 with additional information to include:

- Program accomplishments
- Funds effectiveness in securing additional resources
- Other measurements of effectiveness as described within this proposal

Effective Date

The contract will begin on the date stated in the contract or upon full execution of the contract, whichever is later, and must be completed by December 29, 2006.

Affidavit of Noncollusion

Each responder must complete the attached Affidavit of Noncollusion and include it with the response.

Conflicts of Interest

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the service that is contemplated in this request for proposals.

Disposition of Responses

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with Minnesota Statute section 13.591 after the evaluation process is completed. Completion of the evaluation process occurs when the government entity has completed negotiating the contract with the selected vendor.

General Conditions

This request for proposal does not obligate the state to award a contract and the MHFA reserves the right to cancel the solicitation if it is considered to be in its best interest.

Prospective responders who have any questions may contact Terry Hanna at terry.hanna@state.mn.us (651) 296-9567 or Nancy Slattsveen at nancy.slattsveen@state.mn.us (651) 296-7994.

All costs incurred in responding to this RFP will be borne by the responder. Fax and e-mail proposals will not be considered.

Responders must submit one original and two copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside.

All proposals must be received at the MHFA office not later than 4:00 PM Thursday, December 15, 2005. Faxed, e-mailed or late proposals will not be accepted.

Recommendations for MHFA Capacity Building Grant Program will be made at the January 2006 MHFA Board Meeting.

All proposals must be sent to:

Minnesota Housing Finance Agency
Attn: Terry Hanna-Capacity Building Grant Program
400 Sibley St., Suite 300
St. Paul, MN 55101-1998

Department of Human Services

Chemical Health Division

REVISION to Request for Proposals for Substance Abuse Treatment Support and Recovery Maintenance Services for Women Who Are Pregnant and/or Have Dependent Children

Applicants **must** use the *Substance Abuse Treatment Support / Recovery Maintenance Services For Women Who Are Pregnant And/Or Have Dependent Children* Grant application form. Any proposal submitted on the General Grant Application form, will **not** be considered

for funding.

MAIL THE SIGNED ORIGINAL APPLICATION AND SEVEN (7) COPIES TO: Ruthie M. Dallas , DHS Chemical Health Division , P.O. Box 64977 , St. Paul, MN 55164-0977 . Completed CHD application form and proposals must be POSTMARKED by **January 4, 2005**. PLEASE NOTE: *No Fed-Ex, UPS, or other types of hand-carried or Courier deliveries of the application form will be accepted.*

An error was made in the original notice published in the *State Register* on October 31, 2005, at page 458, regarding the submission delivery requirement.

Minnesota Pollution Control Agency Technology, Education and Assistance Division Notice of Request for Proposals (RFP): Fiscal Year 2006 Environmental Assistance

Open Grant Round

The environmental assistance Open Grant Program was established by the Minnesota Legislature to provide financial assistance in the development of environmentally sustainable practices in Minnesota through voluntary partnerships and goal-oriented, economically driven approaches to pollution prevention and resource conservation. This Open Grant round is a competitive, two-stage application process to identify and assist projects that will be most beneficial in meeting the Agency's mission of working with Minnesotans to protect, conserve, and improve Minnesota's air, land and water resources.

This RFP, issued under authority provided in *Minnesota Rules* 9210.080, solicits the submittal of preliminary applications for projects or practices related to:

- the research, development, or implementation of waste collection, processing, recycling, and reuse;
- resource recovery;
- source reduction, and prevention of waste, hazardous substances, toxic pollutants, and problem materials;
- the development or implementation of pollution prevention projects or practices (including activities such as industrial, green building, sustainable community development, commercial/institutional, low-impact development, energy efficiency and renewable energy);
- the collection, recovery, processing, purchasing, or market development of recyclable materials or compost;
- resource conservation; and
- environmental education.

Eligible applicants are persons as defined in *Minnesota Rules* 9210.0805. "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Pollution Control Agency or any applicant who has received Open Grant funding in the previous twelve (12) months unless the project is distinct (expanded scope or service area) from other grants received by the applicant.

Eligible grant projects are projects that research, develop, and/or implement environmental assistance projects or practices in Minnesota, enable persons to receive loans from financial institutions for environmental assistance projects or practices in Minnesota, or reduce interest payments on loans made by financial institutions for environmental assistance projects or practices in Minnesota.

Approximately \$400,000 is available for FY 2006 Open Grant awards. Projects are eligible for a maximum grant award of \$40,000. The applicant must provide a minimum 25% match of the total project funds. The match may be in the form of in-kind services or cash. Funds derived from other state competitive grants are not eligible as matching funds.

Submittals of Preliminary Applications are due by no later than 4:00 p.m. Central Standard Time, February 10, 2006.

- The complete RFP, instructions and fill-in-the blank forms are available on the grants web page: www.moea.state.mn.us/grants. This webpage also provides links to the statutes, rules, and previously funded projects.
- All preliminary application submittals should be prepared using word processing software such as Microsoft Word or Corel WordPerfect, and then e-mailed as an attachment to fast@moea.state.mn.us. Applications must be received by 4:00 p.m. Central Standard Time, February 10, 2006. Submissions received after the deadline will not be eligible for consideration this funding round.
- If you are unable to access the web page or have difficulty in submitting the documents, contact Mary James at (651) 215-0194 or 1-800-657-3843.
- Faxed submittals will not be accepted.

State Grants & Loans

Evaluation Criteria for Preliminary Application:

Submittals received by the deadline will be reviewed to determine applicant and project eligibility. Eligible preliminary applications will be evaluated and ranked based on the following:

- consistency of the project with the goals in *Minnesota Statutes*, sections 115A.02 and 115D.02;
- experience and qualifications of the applicant (and other participants) and compliance with all governmental regulations and tax requirements;
- anticipated project outcomes and measurable results;
- the likelihood that the project will achieve the expected project outcomes identified by the Applicant;
- the availability of Applicant's matching funds;
- the ability of the applicant to complete the final application process (inclusive of authorizing resolutions) and enter into a grant agreement by June 30, 2006; and
- other criteria as identified in the RFP.

Preliminary Proposals should be electronically submitted and are due by 4:00 p.m. Central Standard Time, February 10, 2006, to fast@moea.state.mn.us. The RFP/Application can be found at www.moea.state.mn.us/grants.

All preliminary application submittals should be prepared using word processing software such as Microsoft Word or Corel WordPerfect, and then e-mailed as an attachment to fast@moea.state.mn.us. Applications must be received by 4:00 p.m. Central Standard Time, February 10, 2006. Submissions received after the deadline will not be eligible for consideration this funding round.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements

Department of Administration

Notice of Intent to Obtain Bids for Flood Damage at the Centennial Office Building

The state intends to obtain bids in the near future for flood damage at the Centennial Office Building at 658 Cedar Street in St. Paul. Repairs will include drywall, wallpaper, painting, carpet and other trades common to water damage losses. The agency contact is Gordy Specht, (651) 201-2328, **Fax:** (651) 297-5158, **E-mail:** gordy.specht@state.mn.us.

Department of Administration

Win Contracts

The *State Register* helps you land state government business and contracts -- about \$3 billion a year. A subscription brings you information about contracts, grants, rules, governor's orders, revenue notices and more.

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Rahmeyer, our subscriptions manager, at (651) 297-8774, or **Fax:** (651) 297-8260, or **E-mail:** jessie.rahmeyer@state.mn.us

Colleges and Universities, Minnesota State (MnSCU) Notice of Request for Proposal (RFP) for Consultant Services for Software / Information Systems

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the Office of the Chancellor, is soliciting proposals for a consultant to assist in software / information systems selection. The successful consultant will help manage the process of selecting and implementing a software system for the management of Minnesota State Colleges and Universities design and construction program throughout Minnesota.

A full RFP is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements." A **mandatory pre-proposal meeting** will be held at 10:00 AM, November 18, 2005 at 30 7th St. East, Suite 350, St. Paul, MN 55101-7804 (Wells Fargo Place).

RFP DUE DATE and TIME:
December 9, 2005, 2:00 PM

Colleges and Universities, Minnesota State (MnSCU) Minneapolis Community & Technical College Request for Proposals for Design Services for Food Service/Culinary Arts Program Fire Suppression System

NOTICE OF INTENT to issue Request for Proposals for Design Services for Food Service/Culinary Arts Program Fire Suppression System Remodeling.

Description: Minneapolis Community & Technical College is requesting proposals for Architectural/Engineering Design Services for remodeling and code updates for space used by food services and the Culinary Arts Program at the Main Campus in downtown Minneapolis location.

Deadline for proposals: 1:00 p.m. Monday November 28, 2005

Contact for Proposal copies:
Jean Alaspa
Phone: (651) 793-1700

Deliver proposals to: Attn: Michael Noble-Olson/Purchasing Manager
Minneapolis Community & Technical College
Business Office – T Building Room T2700
1415 Hennepin Avenue
Minneapolis, MN 55403
Phone: (612) 659-6866

Colleges and Universities, Minnesota State (MnSCU) Minneapolis Community & Technical College NOTICE OF INTENT to Request Bids for Replacement of Boilers for Main Campus Location

Project Description: Remove existing boilers, water heaters, pumps, controls and accessories and replace with new equipment including two new 600 HP boilers, two new 75HP condensing boilers and two new gas-fired water heaters with heat exchangers.

Sealed Bids to: Mary Prozeller / Facilities Dept.

State Contracts

Minneapolis Community & Technical College
Room T0600 / T Building Lower Level
1415 Hennepin Avenue South
Minneapolis, MN 55403

Pre-bid Meeting: **3:00 PM Tuesday November 22, 2005**
Room T2100 in the T Building at Minneapolis Community & Technical College.

Due Date & Time: **3:00 PM Thursday December 8, 2005**
All proposals will be opened and publicly read aloud in Room T2100.

Bid Documents: Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Engineer, **Nelson-Rudie & Associates, Inc.**, are on file at the offices of the:

- 1.) Above named Project Architect/Engineer.
- 2.) Builders Exchanges: **St. Paul and Minneapolis, MN**
- 3.) Construction Market Data Plan Room.
- 4.) Dodge Plan Room.
- 5.) National Association of Minority Contractors of Upper Midwest

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following address:

Nelson-Rudie & Associates, Inc.
2575 University Avenue West, Suite 135
St. Paul, MN 55114
(651) 644-2400

A deposit of **\$100.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Engineer) for **\$50.00** per set for shipping & handling (in addition to the **\$100.00** deposit) to the Engineer. Such deposits and payments may be sent prior to **November 29, 2005**. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

Department of Commerce

Board of Barber and Cosmetology Examiners

Notice of Availability of Contract for Proctored, Computer-Based Professional License Examinations

The Minnesota Department of Commerce, and the Board of Barber and Cosmetology Examiners are requesting proposals for the purpose of contracting with a vendor to provide proctored, computer-based professional license examinations to individuals seeking insurance, real estate, cosmetology, and barber licenses. The department and the board will not pay the vendor. The vendor will fund its operations through direct fees charged to examination candidates. The vendor's examination fees will be set by the contract.

Examination development work is proposed to start after March 1, 2006. Administration of examinations is proposed to start on July 1, 2006.

A Request for Proposals will be available by mail from this office through November 28, 2005. **A written request (by direct mail, e-mail, or fax) is required to receive the Request for Proposals.** After November 28, 2005, the Request for Proposals must be picked up in person.

The Request for Proposals can be obtained from:

Attn: Judy Schmidt

Minnesota Department of Commerce
85 7th Place East Suite 500
St. Paul, MN 55101
Fax: (651) 282-2568
E-mail: judy.schmidt@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 PM on Wednesday, December 7, 2005. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Military Affairs

Cambridge, Minnesota

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Armed Forces Reserve Center in Cambridge, Minnesota (State Project 05-17)

The State of Minnesota, through its State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architect and engineering services to include structural, mechanical, electrical, civil, fire suppression engineering, landscape architect, licensed land surveyor, and geotechnical engineer for the above referenced project.

A full Request for Proposals is available on the Department of Military Affairs website:

<http://www.dma.state.mn.us/STARC/fno/fmom/RFP.htm>

or telephone Carol Prozinski at (320) 616-2629 for a paper copy.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, in the State Architect's Office, not later than 1:00 p.m., Monday, December 5, 2005. Late responses will not be considered.

A project informational meeting for the short listed firms will take place at the Cambridge City Hall on Thursday, December 22, 2005. The Department of Military Affairs is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Natural Resources

Division of Lands and Minerals

Request for Proposals for Controlling Mercury in Taconite Stack Emissions

The Department of Natural Resources, Division of Lands and Minerals, is seeking research proposals from laboratories, research institutions, consultants, and qualified individuals in two broad areas concerning the reduction of mercury from taconite stack emissions.

Part I: Use of sorbent and/or chemical injection to control mercury in taconite stack emissions.

The respondent will define and conduct a study to determine if mercury control strategies used in the electrical power generation industry could be used by taconite processing plants. The successful respondent will conduct an overview of the mercury control techniques used in electrical generation and compile plant-specific data from the following Minnesota taconite plants: Hibbing Taconite Company, United Taconite, Mittal Steel Minorca Mine, USS Keewatin Taconite, and USS Minntac. Each taconite plant shall provide data which shall include, but is not necessarily limited to: volume and composition of taconite process gases, gas flow rate(s), temperature, and current methods used to limit mercury emissions. The respondent will combine these data with other plant-specific considerations such as a determination of available in-plant space to house additional equipment, locations or points within each plant where sorbents or chemicals could be introduced into the process, short- and long-term fate of the injected sorbents or chemicals, and an evaluation of economic factors related to the use of sorbent and/or chemical injection to reduce mercury emissions.

The study will be completed by May 31, 2007 and shall identify the benefits, limitations, and potential costs of each technique as they pertain to each participating plant. Recommendations for plant-scale future testing of sorbent and/or chemical injection techniques shall also be included in the final report. One award in the range between \$50,000 to \$75,000.00 is available for this study.

State Contracts

Part II. Bench-scale Tests to Separate Mercury from Wet-Scrubber Solids.

Currently, mercury captured by wet scrubbers is bound to pre-processed hematite and magnetite and is routed to tailings basins for disposal. This represents both a loss of iron units and an additional cost in the production of taconite. Opportunities to separate mercury from wet-scrubber solids and simultaneously recover the associated "lost" iron units may be found through the use of existing mineral processing techniques.

The DNR is seeking proposals that will explore the applicability of techniques such as magnetic separation, flotation, and size and weight classification for separating mercury from scrubber solids. The technique should have potential application in one or more of the five plants named in Part I of this Request for Proposals. The wet-scrubber solids needed to conduct the bench-scale testing will be made available from the participating plants. Since the chemistry of the scrubber solids and the configurations of the plants themselves differ, proposals should be designed to identify mercury removal efficiencies for each plant along with a cost estimate of the equipment needed to perform the separation.

Respondents may submit proposals to study one or more techniques, however, each proposal must be submitted, and shall be evaluated, on an individual basis. A total of \$75,000 to \$100,000.00 is available in this research area for two to three awards.

The study will be completed by December 31, 2006 with the submission of a Final Report to the State.

This Request for Proposals (RFP) does not obligate the State to award a contract or complete the proposed project, and the State reserves the right to cancel this solicitation if it is considered to be in its best interest.

Agency Contact

To obtain a copy of this RFP please contact:

Michael Berndt
Program Manager
DNR - Lands and Minerals
Box 45 500 Lafayette Road
St Paul, MN 55155
Telephone: (651) 259-5378
Fax: (651) 296-5939
E-mail: mike.berndt@dnr.state.mn.us

Proposals submitted in response to this RFP must be received at the above address no later than 2:30 p.m. CDT, December 15, 2005/ Late proposals shall not be accepted. Fax and e-mail responses shall not be accepted. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Natural Resources

Division of Waters

Notice of Request for Proposal (RFP) for State of Minnesota Digital Elevation Model (DEM) Project - Red River of the North Basin, Phase I

Purpose

The Minnesota Department of Natural Resources (DNR), Division of Waters seeks to obtain Light Detection and Ranging (LIDAR) data for the purpose of generating a high resolution Digital Elevation Model (DEM) products that will be used in partnership with the Federal Emergency Management Agency (FEMA) for improving floodplain maps and to act as base data for regional hydrologic modeling projects. In general, the area targeted for this data acquisition is a portion of the Red River Valley in northwestern Minnesota. This rural agricultural region is generally characterized by flat terrain with poor drainage. LIDAR data captured for this project will need to be of high resolution and quality to yield the functional DEM data products that are the goal of this project.

Project Contact

Copies of the entire Request for Proposal may be requested from:

Ogbazghi Sium
State DEM Project Manager
DNR Waters
500 Lafayette Road
St. Paul, MN 55155-4032
(651) 259-5710

Fax: (651) 296-0445

Proposals must be received by Ogbazghi Sium at the address listed above no later than 4:30 pm Central Time on December 5, 2005.

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Metropolitan Council

Notice of Request for Proposals (RFP) for Actuarial Assessment

Contract Number 05P123

The Metropolitan Council is requesting proposals for the provision of actuarial assessment of post-employment health liability in accordance with generally accepted accounting principles.

<i>Issue Request for Proposals</i>	November 14, 2005
<i>Receive Proposals</i>	December 1, 2005
<i>Contract negotiated, executed, NTP</i>	December 30, 2005

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1068
Fax: (651) 602-1138
E-mail: harriet.simmons@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Design of Point Douglas Lift Station L-12 Improvements

Contract Number 05P116

The Metropolitan Council is requesting proposals for design and construction support services for the Point Douglas Lift Station L-12 Improvements.

<i>Issue Request for Proposals</i>	November 14, 2005
<i>Pre-Proposal Conference</i>	December 6, 2005
<i>Receive Proposals</i>	December 20, 2005
<i>Interviews</i>	January 6, 2006
<i>Evaluations Complete</i>	January 16, 2006
<i>Negotiations Complete</i>	January 20, 2006
<i>Contract negotiated, executed, NTP</i>	February, 2006
<i>Period of performance</i>	February, 2006 to August, 2008

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street

Non-State Contracts & Grants

Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1083
E-mail: harriet.simmons@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Recycling Treated Wastewater for Industrial Reuse

Contract Number 05P088

The Metropolitan Council is requesting proposals for: Recycling Treated Wastewater for Industrial Reuse.

<i>Issue Request for Proposals</i>	November 7, 2005
<i>Pre-proposal Meeting</i>	November 17, 2005
<i>Receive Proposals</i>	December 5, 2005
<i>Contract negotiated, executed, NTP</i>	February, 2006
<i>Period of performance</i>	February, 2006 to June, 2007

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1083
E-mail: harriet.simmons@metc.state.mn.us

Metropolitan Council - Metro Transit

Sealed Bids Solicited for Generator Procurement

The Metropolitan Council is soliciting sealed bids for the procurement of generators at two Metro Transit facilities. Bids are due at **2:00 PM** on December, 7, 2005. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
(612) 349-5070

University of Minnesota

Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

